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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,782	07/01/2003	Budd O. Libby	2605/69513/RDK	9688

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EXAMINER

HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,782

Applicant(s)

LIBBY ET AL.

Examiner

Tramar Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/01/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because a computer data signal of computer executables not embodied to a tangible medium, such as floppy disks or the like, is non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by the US patent of Graves (6,955,604).

In terms of claims 1, 2, 9, 14, and 16 Graves teaches the invention of a bingo game apparatus that comprises of a random number generator, which provides the sequence of numbers for the bingo game, an animation drawing subsystem, which pre-recorded video clips are played corresponding to each drawn bingo number, and a remote point of sale site, where participants purchase bingo tickets electronically

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through a remote computer before the game starts (Spec: Col. 5, Paragraphs 4-5; Col. 8, Paragraph 2). The pre-recorded video clips can take the form of a live bail caller or person that draws and announces the numbers or it can take the form of an animated character performing the same function (Spec: Col. 4, Paragraph 3).

As for claim 3 - 6, 8, 11-13, and 17-19, Graves invention comprises of a base location and at least one remote location, which are linked via the internet. The base location comprises of a central host computer and a verifier computer (Fig. 1, 7). The central host computer transmits information such as the bingo cards played to the verifier computer. The verifier computer stores the bingo cards played onto a database, which is categorized by a serial number assigned to each bingo card. When the game is in progress the verifier computer receives the randomly drawn numbers of the bingo game and the serial number of any claimed winning card from the central computer. The verifier computer uses the serial number to find the claimed winning card in the database and then compares the card to the drawn numbers to determine if the claimed card is a winner (Spec: Col. 5, Paragraph 3). The verifier computer further transmits an id number that activates an algorithm to the remote computers. The algorithm instructs each remote computer to display the claimed and already stored winning card to a monitor via the internet, which is interpreted as displaying a video segment that corresponds to the winning sequence of numbers (Spec: Col. 7 - Paragraph 1, Col. 8 - Paragraph 3). If the claimed card is not a winner the game continues until a winning card is found, which is interpreted as the verifier computer comparing a plurality of claimed winning cards until the winner is found (Specification - Paragraph 26). It is

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inherit in the art that computer have a processor, a storage device, and some type of programmable executables in order to function, and that a computer uses the internet as a transmission means.

As for claim 7,10, and 15 Graves invention teaches the use of a network that comprises of a game host or central system linked via the internet to remote sites. Players are able to participate at these remote sites through client computers. Participants use software already installed on the central system and remote computers to interact through the internet. It is inherit in the art that a website is a means to interact with a host and remote computers. (Spec: Col: 8, Paragraph 3)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fisk (US 6,280,325) teaches a similarly structured device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 4:30pm.

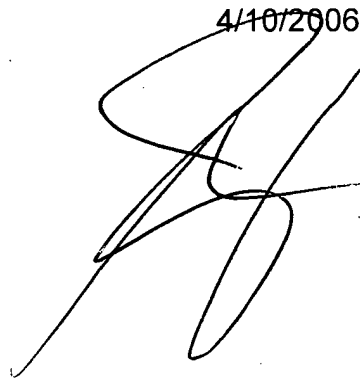
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TH

4/10/2006

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

JOHN M. HOTALING, II
PRIMARY EXAMINER